

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of MAE E. DUKES and DEPARTMENT OF VETERANS AFFAIRS,  
MEDICAL CENTER, Cleveland, Ohio

*Docket No. 96-1980; Submitted on the Record;  
Issued August 19, 1998*

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DECISION and ORDER

Before MICHAEL J. WALSH, GEORGE E. RIVERS,  
DAVID S. GERSON

The issue is whether appellant has established that her left hip condition is causally related to factors of her federal employment.

On January 3, 1996 appellant, a nurse's aide, filed a claim alleging that she sustained osteoarthritis of the left hip causally related to her federal employment. In a narrative statement, appellant indicated that her job duties involving walking to escort patients or carry messages, and that she assisted the daily care of patients, including feeding, dressing, and making beds. By decision dated April 2, 1996, the Office of Workers' Compensation Programs denied the claim on the grounds that appellant had not established that her condition was causally related to her federal employment.

The Board has reviewed the record and finds that appellant has not established that she sustained a left hip condition causally related to her federal employment.

To establish that an injury was sustained in the performance of duty in an occupational disease claim, a claimant must submit the following: (1) medical evidence establishing the presence or existence of the disease or condition for which compensation is claimed; (2) a factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition; and (3) medical evidence establishing that the employment factors identified by the claimant were the proximate cause of the condition for which compensation is claimed or, stated differently, medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the claimant.<sup>1</sup> The evidence required to establish causal relationship is rationalized medical opinion evidence, based upon a complete and accurate factual and medical background, showing a causal relationship between the claimed conditions and her federal employment.<sup>2</sup> Neither the fact that

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<sup>1</sup> *Victor J. Woodhams*, 41 ECAB 345 (1989).

<sup>2</sup> *See Walter D. Morehead*, 31 ECAB 188 (1979).

the condition became manifest during a period of federal employment, nor the belief of appellant that the condition was caused or aggravated by her federal employment, is sufficient to establish causal relation.<sup>3</sup>

In the present case, appellant has identified such employment activities as walking and assisting patients; she has not, however, submitted sufficient medical evidence to establish causal relationship between a diagnosed hip condition and the identified factors. In a report dated June 20, 1995, Dr. Dennis B. Brooks, an orthopedic surgeon, stated that appellant's radiographs would indicate her symptoms were probably based on advanced degenerative joint disease, although he was unable to obtain an adequate history or perform an adequate physical examination. With respect to causal relationship, Dr. Brooks indicated that appellant may have had an untreated developmental hip dysplasia. He did not discuss appellant's employment duties or provide an opinion that the hip condition was causally related to her employment.

In a form report dated December 21, 1995, Dr. Yoel Anouchi, an orthopedic surgeon, diagnosed degenerative joint disease of the left hip, status post total hip arthroplasty. In response to an inquiry as to whether the condition was causally related to employment, Dr. Anouchi stated, "not caused but possibly aggravated. I would need more information on job activities." The Board finds this report to be of little probative value on the issue of causal relationship, since Dr. Anouchi offers only an equivocal opinion without providing supporting rationale or a complete and accurate factual and medical background.<sup>4</sup>

In a report dated January 5, 1996, Dr. Daniel Tinman, an employing establishment physician, noted the report from Dr. Brooks and the possible causal connection between untreated dysplasia and the degenerative joint disease. Dr. Tinman did not provide an opinion supporting causal relationship between the identified work factors and the degenerative hip condition.

It is, as noted above, appellant's burden to submit sufficient medical evidence to establish her claim. The Board finds that the medical evidence of record is of limited probative value on the issue of causal relationship because it does not contain a reasoned opinion that appellant's degenerative hip condition was causally related to the work factors she has identified. In the absence of such evidence, the Board finds that she has not met her burden of proof in this case.<sup>5</sup>

The decision of the Office of Workers' Compensation Programs dated April 2, 1996 is affirmed.

Dated, Washington, D.C.  
August 19, 1998

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<sup>3</sup> *Manuel Garcia*, 37 ECAB 767 (1986).

<sup>4</sup> *See William S. Wright*, 45 ECAB 498 (1994) (equivocal and speculative medical opinions are of diminished probative value).

<sup>5</sup> The record does contain evidence submitted after the April 2, 1996 decision. Since the Board is limited to review of evidence that was before the Office at the time of its decision, the Board cannot review this evidence. 20 C.F.R. § 501.2(c).

Michael J. Walsh  
Chairman

George E. Rivers  
Member

David S. Gerson  
Member